

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

GEOFFREY W. FREEMAN, #N-40858,)	
)	
Plaintiff,)	
)	
-vs-)	No. 05-36-JPG
)	
MARY WEST, R. BLAGOJEVICH,)	
JAMES BAUERSACHS, ROGER W.)	
WALKER, EUGENE McADORY, SGT.)	
HENRY, JAMES R. CHEATHAM,)	
DOUGLAS A. CRAVENS, RANDOLPH)	
COUNTY, ILLINOIS DEPARTMENT))	
OF CORRECTIONS, and STEPHEN)	
D. MOTE,)	
)	
Defendants.)	

ORDER

Before the Court is the defendants' motion to strike plaintiff's "Traverse to Defendant's [sic] Initial Motion for Summary Judgment" (**Doc. 52**) as an impermissible sur-reply. (**Doc. 53**). Also before the Court is plaintiff's motion to change the caption of his "traverse" to "Plaintiff's Supplemental Traverse to Defendant's [sic] Initial Motion for Summary Judgment." (**Doc. 54**).

A review of the record reveals that plaintiff initially filed a response to the defendants' motion for summary judgment, which plaintiff captioned as a traverse. (**Doc. 48**). The defendants filed a reply. (**Doc. 49**). Plaintiff then filed a second document, captioned "Traverse to Defendant's [sic] Initial Motion for Summary Judgment." (**Doc. 52**).

Local Rule 7.1(c) provides only for a single response to a motion, and clearly forbids sur-replies, regardless of how they are captioned. The first paragraph of what plaintiff now wants to characterize as a "supplemental traverse" clearly indicates that it is a sur-reply,

responding to the defendants' reply, because it specifically references the September 2, 2008, reply. (**Doc. 52, p. 1, ¶1**).

IT IS THEREFORE ORDERED plaintiff's motion to change the caption of his "traverse" to "Plaintiff's Supplemental Traverse to Defendant's [sic] Initial Motion for Summary Judgment" (**Doc. 54**) is **DENIED**.

IT IS FURTHER ORDERED that the defendants' motion to strike plaintiff's "Traverse to Defendant's [sic] Initial Motion for Summary Judgment" (**Doc. 53**) is **GRANTED**. Accordingly, the Clerk of Court shall **STRIKE** plaintiff's "Traverse to Defendant's [sic] Initial Motion for Summary Judgment" (**Doc. 52**).

IT IS SO ORDERED.

DATED: February 12, 2009

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE